

FILED

AO 91 (Rev. 11/11) Criminal Complaint

SEP 25 2019

UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY CLERK

United States of America

v.

Shawn P. Fontenette

Case No. **A19 M 598**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 24, 2019 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section


Offense Description

18 USC 922(g)(1)

Unlawful possession of a firearm by a previously convicted felon

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Royce Clayborne, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/25/2019

Judge's signature

City and state: Austin, Texas

Susan Hightower, United States Magistrate Judge

Printed name and title

including information obtained from a credible and reliable source of information (SOI), physical surveillance, telephone toll analysis, and discussions with other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the criminal complaint and arrest warrant that are sought, it does not contain every fact known to me or other law enforcement officers.

PROBABLE CAUSE

5. Since approximately January 2019, the DEA HIDTA Task Force has been conducting an investigation into a drug trafficking organization operating in the Austin, Texas area led by Shawn P. Fontenette and Mondre Garrett. During the course of this investigation, law enforcement has used a variety of investigative techniques to gather evidence about the organization. This evidence has been used to identify members of organization and their roles in the trafficking of methamphetamine, cocaine, heroin and other substances.

6. During August 2019, information received from a credible and reliable SOI indicated that Fontenette and Garrett were both large scale drug traffickers selling kilogram amounts of cocaine, heroin and methamphetamine in various forms in Austin, Texas. This SOI also informed Agents that Garrett was known to carry a firearm on his person.

7. During September 2019, on at least two occasions, both Fontenette and Garrett have been observed by physical surveillance entering and exiting an apartment complex located at 3201 Esperanza Crossing, Austin, Texas. On at least two separate occasions, Fontenette was observed entering and exiting an apartment complex at 3000 Kramer #1447, Austin, Texas.

8. During the course of this investigation, Agents utilized another credible and reliable SOI (SOI #2) to conduct controlled purchases of multi-ounce quantities of cocaine from Fontenette. During one of these controlled purchases, physical surveillance observed Fontenette and Garrett in a vehicle exiting the parking garage of the apartment complex located at 3201 Esperanza Crossing, Austin, Texas. Fontenette was observed driving a Dodge pickup truck and Garrett was the

passenger. Garrett was observed exiting Fontenette's vehicle and entering his vehicle and departing the area. Fontenette then went directly to his residence at 3000 Kramer #1447 and completed the controlled purchase with SOI #2. Based upon the evidence obtained from these controlled purchases and other investigative means, Agents sought and obtained state search warrants in 147th District Court signed by Honorable Travis County District Judge Clifford A. Brown for three apartments identified as follows: 3201 Esperanza Crossing #611, Austin, Texas; 3201 Esperanza Crossing #550, Austin, Texas; and 3000 Kramer #1447, Austin, Texas. These are all locations within the Western District of Texas.

9. On September 24, 2019, at approximately 6:00am, law enforcement executed these three search warrants simultaneously at each of the above locations. During the execution of the search warrant at 3000 Kramer #1447, Austin, Texas, Agents located Fontenette in the master bedroom of the apartment. During a search of the master bedroom, Agents located a loaded .45 caliber pistol (Manufactured by FN Herstal, Serial number FX3U001116) under the mattress where Fontenette was sleeping prior to law enforcement's arrival. Fontenette was taken in custody. I know from training and experience that drug traffickers such as Fontenette often keep firearms to protect themselves from rival drug dealers and law enforcement.

10. During the execution of the search warrant at 3201 Esperanza Crossing #550, Austin, Texas, Agents conducting perimeter security of the apartment observed Garrett walking towards apartment #550 carrying two black backpacks. Agents approached Garrett based on his close association with Fontenette and the previous observations made of Garrett at the apartment complex during a controlled purchase. During the encounter, Agents, who immediately recognized Garrett, asked Garrett to identify himself and he responded with a false name. Agents then asked Garrett "how much dope" was in the bag and he responded "a lot." Agents then searched the bags and located a loaded .38 caliber revolver (Manufactured by Rossi, Serial number AAU90945) and approximately

9,080 grams of a crystalline substance that field tested positive for methamphetamine.

11. Both Fontenette and Garrett have multiple felony convictions for which they received sentences of more than one year.

12. Specifically, Fontenette has a felony conviction for possession of a controlled substance in 2008, for which he received a sentence of 2 years confinement; a conviction for possession of marijuana in 2008, for which he received a sentence of 2 years confinement; and a federal conviction for possession with intent to distribute 500 grams or more of cocaine in 2011, for which he originally received a sentence of 100 months confinement, which sentence was later reduced to 83 months confinement.

13. Garrett has a conviction for possession of a controlled substance in 2005, for which he received a sentence of 10 years confinement; a conviction for aggravated assault causing serious bodily injury in 2005, for which he received a sentence of 10 years confinement; and federal convictions for possession with intent to distribute 50 grams or more of cocaine base and possession of a firearm in furtherance of a drug trafficking crime, for which he received a total sentence of 192 months imprisonment.

14. Based on the number, nature, and recency of these convictions, as well as the duration of the sentences, there is probable cause to believe that Fontenette and Garrett knew they had previously been convicted of crimes punishable by terms of imprisonment exceeding one year.

15. Your Affiant contacted an ATF Interstate Nexus expert who conducted a preliminary examination of the aforementioned firearms and has determined that the firearms have previously traveled in and affected interstate and/or foreign commerce.

16. Based on the foregoing, there is probable cause to believe that Shawn P. Fontenette and Mondre Garrett violated 18 U.S.C. § 922(g)(1) within the Western District of Texas.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



ROYCE CLAYBORNE
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me at Austin, Texas, on this 25th day of September, 2019.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE